

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 14. Motion for Extension of Time

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form14instructions.pdf>

9th Cir. Case Number(s)

Case Name

Requesting Party Name(s)

I am: ☐ The party requesting the extension.
☒ Counsel for the party or parties requesting the extension.

I request an extension of time to file a:

- ☒ Brief (*you **must** also complete the Declaration on page 3*)
- ☐ Motion to proceed in forma pauperis
- ☐ Motion for a certificate of appealability
- ☐ Response/opposition to a pending motion
- ☐ Reply to a response/opposition to a pending motion
- ☐ Certified Administrative Record
- ☐ Response to court order dated
- ☐ Other (*you **must** describe the document*)

The requested new due date is:

I request the extension of time because (**cannot be left blank**):
(*attach additional pages if necessary*)

Appellees/Defendants' Answering Brief is currently due on October 24, 2023 and I request a 60-day extension of time to file the Answering Brief. I am out of the office during the week of October 16, 2023 on a preplanned vacation. In addition counsel for Appellees has a reply brief due on October 25, 2023 in the California Court of Appeal in the matter of Foroughi v. Creighton, et al., Case Number A165574. The record for the Foroughi is appeal is over 2,400 pages. Additional grounds for the request is set forth in the attachment to Page 3.

Signature **Date**

(*use "s/[typed name]" to sign electronically-filed documents*)

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

Recitals in criminal and immigration cases pursuant to Circuit Rule 27-8

Complete this section for criminal or immigration cases.

Previous requests for extension of time to file the document, including any request for a Streamlined Extension of Time under Circuit Rule 31-2.2(a) (*select one*):

- ☐ I have **NOT** filed a previous request to extend time to file the document.
- ☐ I have previously requested an extension of time to file the document.

This motion is my request.

(Examples: first, second)

Bail/detention status (*select one*):

- ☐ The defendant is incarcerated. The projected release date is: .
- ☐ The petitioner is detained.
- ☐ The defendant/petitioner in this criminal/immigration case is at liberty.

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)

Declaration in support of extension to file brief under Circuit Rule 31-2.2(b)

Complete this section if you are requesting an extension of time to file a brief.

1. I request an extension of time to file the brief.

(Examples: opening, answering, reply, first cross-appeal)

2. The brief's current due date is:

3. The brief's first due date was:

4. A more detailed explanation of why the extension of time to file the brief is necessary: *(Under Circuit Rule 31-2.2(b), a request for extension of time to file a brief must be "supported by a showing of diligence and substantial need" and a conclusory statement as to the press of business does not constitute such a showing. Attach additional pages if necessary.)*

See attachment.

5. The position of the other party/parties regarding this request is:

☐ Unopposed.

☒ Opposed by *(name of party/parties opposing this motion)*:

☐ Unknown. I am unable to verify the position of the other party/parties because:

6. ☒ The court reporter is not in default with regard to any designated transcripts.

If the court reporter is in default, please explain:

7. ☒ I have exercised diligence and I will file the brief within the time requested.

I declare under penalty of perjury that the foregoing is true and correct.

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)

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ATTACHMENT TO DECLARATION IN SUPPORT OF EXTENSION TO FILE BRIEF
UNDER CIRCUIT RULE 31-2.2(B)

My firm is counsel of record for Appellees/Defendants City of Belmont, Brigitte Shearer and Afshin Oskoui.

This is an appeal from an Order denying Appellant/Plaintiff Joseph Cuvillo's Motion for a Preliminary Injunction.

In response to the Appellees/Defendants' request for a 60-day extension of time to file the Answering Brief, Mr. Cuvillo stated he was not willing to agree to the 60-day extension of time. He did not provide any information as to why he would not agree to the requested extension of time.

Appellees/Defendants request a 60-day extension of time to file their Answering Brief. This is the first request for an extension of time to file the Answering Brief. Counsel for Appellees/Defendants is out of the office during the week of October 16, 2023 on a preplanned vacation. In addition counsel for Appellees/Defendants has a reply brief due on October 25, 2023 in the California Court of Appeal in the matter of *Foroughi v. Creighton, et al.*, Case Number A165574. The record for the *Foroughi* appeal is over 2,400 pages. In addition, my firm has recently experienced a reduction in staff - one attorney left the firm and two attorneys at the firm have just left on maternity/paternity leave. As a result, the rest of the firm must absorb their case load, which has put additional constraints on counsel's ability to prepare the Answering Brief. Finally, considering the issues presented by this appeal involve complex Constitutional issues and are taking a significant amount of time to brief, counsel for Appellees/Defendants requests additional time to prepare the Answering Brief.